

Senate File 2360 - Introduced

SENATE FILE 2360

BY HECKROTH

A BILL FOR

1 An Act providing for a local food, farms, and jobs initiative,
2 providing for the powers and duties of a board, providing
3 for a fund, authorizing the establishment and collection of
4 fees, providing for the purchase of local foods by state
5 entities, and providing for appropriations.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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DIVISION I

LOCAL FOOD, FARMS, AND JOBS BOARD

Section 1. NEW SECTION. 159B.1 Short title.

This Act may be cited as the "*Local Food, Farms, and Jobs Act*".

Sec. 2. NEW SECTION. 159B.2 Definitions.

1. "*Board*" means the local food, farms, and jobs board created in section 159B.3.

2. "*Department*" means the department of agriculture and land stewardship.

3. "*Local farm or food products*" means raw food or processed products originating from raw food, if such raw food is grown by Iowa residents or businesses located wholly within the borders of this state.

4. "*Fund*" means the local food, farms, and jobs fund created in section 159B.9.

5. "*Governmental subdivision*" means the same as defined in section 8A.101.

6. "*State agency*" means the same as defined in section 8A.101.

Sec. 3. NEW SECTION. 159B.3 Local food, farms, and jobs board — creation and membership.

1. A local food, farms, and jobs board is created.

2. The local food, farms, and jobs board is comprised of the following members:

a. The heads or the designees of the following departments:

- (1) The department of agriculture and land stewardship.
- (2) The department of economic development.
- (3) The department of education.
- (4) The department of human services.
- (5) The Iowa department of public health.

b. The following individuals appointed by the governor:

- (1) Four individuals actively engaged in producing milk, meat, vegetables, or grain in this state.
- (2) Four individuals actively engaged in producing flowers,

1 fruit, fish, trees, sod, seeds, fiber, vegetables, ornamental
2 plants, or other specialty crops for sale at wholesale or
3 retail.

4 (3) Two individuals engaged in processing raw food produced
5 in this state.

6 (4) Two individuals engaged in distributing local farm or
7 food products.

8 (5) Three individuals who are associated with
9 not-for-profit educational organizations that specialize in
10 supporting and expanding local farm or food product networks.

11 (6) An individual actively engaged in organic food
12 production.

13 (7) An individual representing farm or food product
14 consumers.

15 (8) Two individuals each of whom is a member of a general
16 farm organization in this state.

17 (9) An individual actively engaged in selling local farm or
18 food products on a retail basis.

19 (10) Two individuals who are members of a governmental
20 subdivision that actively encourages the development of markets
21 for local farm or food products.

22 (11) Four individuals who are associated with
23 community-based organizations focusing on access to local farm
24 or food products.

25 (12) One chef who specializes in the preparation of local
26 farm or food products for human consumption.

27 3. Members appointed by the governor are subject to
28 confirmation by the senate and shall serve four-year staggered
29 terms as designated by the governor. Members appointed by the
30 governor are subject to the requirements of sections 69.16,
31 69.16A, 69.16C, and 69.19.

32 4. The governor may consider the appointment of individuals
33 based on nominations submitted by interested organizations as
34 designated by the governor.

35 5. A member is eligible for reappointment to the board.

1 6. Vacancies shall be filled in the same manner as original
2 appointments. A vacancy shall be filled for the balance of the
3 unexpired term.

4 Sec. 4. NEW SECTION. 159B.4 Local food, farms, and jobs
5 board — procedures and payment.

6 1. The local food, farms, and jobs board shall elect a
7 chairperson from among its members each year on a rotating
8 basis as provided by the board. The board shall meet on a
9 regular basis and at the call of the chairperson or upon the
10 written request to the chairperson of ten or more members.

11 2. A majority of the members of the local food, farms,
12 and jobs board constitute a quorum and the affirmative vote
13 of a majority of the members present is necessary for any
14 substantive action to be taken by the board. The majority
15 shall not include any member who has a conflict of interest,
16 and a statement by a member that the member has a conflict of
17 interest is conclusive for this purpose. A vacancy in the
18 membership does not impair the duties of the board.

19 3. Members appointed by the governor shall be reimbursed for
20 actual and necessary expenses incurred in performance of their
21 duties. Such members are also eligible to receive compensation
22 as provided in section 7E.6.

23 Sec. 5. NEW SECTION. 159B.5 Local food, farms, and jobs
24 board — mission.

25 The local food, farms, and jobs board shall facilitate the
26 growth of an Iowa-based local farm and food product economy
27 that revitalizes rural and urban communities, promotes healthy
28 eating with access to fresh foods, creates jobs, ensures a
29 readily available supply of safe food in an emergency event,
30 and supports economic growth through making local farm or food
31 products available to all Iowa residents.

32 Sec. 6. NEW SECTION. 159B.6 Local food, farms, and jobs
33 board — goals.

34 1. In order to create, strengthen, and expand local farm
35 and food economies throughout Iowa, it is the goal of this

1 state that by 2020 at least twenty percent of all food and food
2 products purchased by state agencies shall be local farm or
3 food products.

4 2. The local food, farms, and jobs board shall work to
5 ensure that by 2020 at least ten percent of all food and food
6 products purchased by entities funded in whole or in part by
7 state moneys, and which spend more than twenty-five dollars
8 per year on food or food products, shall be local farm or food
9 products.

10 Sec. 7. NEW SECTION. 159B.7 Local food, farms, and jobs
11 board — general powers.

12 The local food, farms, and jobs board has all the powers
13 necessary to carry out its mission as provided in section
14 159B.5 and accomplish its goals as provided in section 159B.6,
15 including all of the following:

16 1. To sue and be sued in its own name.

17 2. To make and execute agreements, contracts, and other
18 instruments, with any public or private entity, including
19 but not limited to any federal governmental agency or
20 instrumentality. All governmental subdivisions and other state
21 agencies may enter into contracts and otherwise cooperate with
22 the board.

23 3. To establish and collect fees for its services.

24 4. a. To accept appropriations, gifts, grants, loans, or
25 other aid from public or private entities. A record of all
26 gifts or grants, stating the type, amount, and donor, shall be
27 clearly set out in the board's annual report along with the
28 record of other receipts.

29 b. The board shall not pledge the faith or credit of the
30 state. No debt or obligation of board shall become the debt or
31 obligation of the state.

32 5. To provide technical assistance and counseling to state
33 agencies and governmental subdivisions.

34 6. To conduct studies and make recommendations including
35 legislative proposals to the general assembly.

1 7. *a.* Subject to the availability of moneys, to employ an
2 executive director or other staff and to contract with persons
3 as necessary.

4 *b.* The heads of departments who serve as members on the
5 board or who appoint designees to serve as members on the board
6 may redirect existing full-time equivalent positions to serve
7 as staff to the board. The department shall provide office
8 space, meeting space, and other research and communication
9 services as appropriate.

10 8. To adopt rules consistent with the provisions of this
11 chapter and subject to chapter 17A.

12 **Sec. 8. NEW SECTION. 159B.8 Local food, farms, and jobs**
13 **board — duties.**

14 The local food, farms, and jobs board shall do all of the
15 following:

16 1. Assist state agencies with the purchase of local farm or
17 food products and with tracking and reporting such purchases in
18 order to carry out its mission as provided in section 159B.5
19 and accomplish its goals as provided in section 159B.6.

20 2. Assist local farm and food entrepreneurs to identify
21 and secure necessary resources and equipment to begin,
22 maintain, and expand projects and networks necessary for the
23 development of local farm or food products. However, the board
24 may facilitate program start-ups and then relinquish rights,
25 benefits, and control within a reasonably short period of time.

26 3. Facilitate the building of infrastructure, including
27 aggregation, processing, storage, packaging, and distribution
28 facilities necessary to move local farm or food products to
29 local and other markets.

30 4. Support and expand programs that recruit, train, and
31 provide technical assistance to Iowa farmers and residents in
32 order to encourage the production and consumption of local farm
33 or food products.

34 5. Coordinate interagency policies, initiatives, and
35 procedures to promote local farm and food products in Iowa

1 communities, by cooperating with state agencies, governmental
2 subdivisions, federal agencies, community-based organizations,
3 educational institutions, and trade organizations.

4 6. Facilitate the elimination of legal barriers hindering
5 the development of a local farm and food economy by cooperating
6 with state agencies, including the attorney general,
7 governmental subdivisions, and federal agencies. The board
8 shall work to create consistent and compatible regulations for
9 the production, storage, distribution, and marketing of local
10 farm or food products.

11 7. Facilitate the use of public lands for growing local
12 farm or food products by cooperating with state agencies,
13 governmental subdivisions, and federal agencies.

14 8. Provide technical assistance and counseling to state
15 agencies and governmental subdivisions.

16 9. Conduct studies and make recommendations including
17 legislative proposals to the general assembly.

18 10. Establish annual goals for all purchases of local farm
19 or food products and monitor the development and expansion of a
20 local farm and food economy through data collection, tracking,
21 measurement, and analysis. The board shall prepare and submit
22 a report to the general assembly on or before January 10 of
23 each year. The report shall describe the board's progress in
24 carrying out its mission as provided in section 159B.5 and
25 accomplishing its goals as provided in section 159B.6.

26 11. Develop, in collaboration with the department, a label
27 and certification program for identifying local farm and food
28 products.

29 12. Develop, in cooperation with state agencies, a system
30 for doing all of the following:

31 a. Establishing a base year by identifying the percentage
32 of local farm or food products purchased for the fiscal year
33 beginning July 1, 2012, and ending June 30, 2013.

34 b. Tracking and reporting local farm or food products
35 purchases on a fiscal year basis.

1 13. Initiate and facilitate public awareness campaigns
2 about the economic benefits of a local farm and food economy.

3 Sec. 9. NEW SECTION. 159B.9 Local food, farms, and jobs
4 fund.

5 A local food, farms, and jobs fund is created in the state
6 treasury under the control of the local food, farms, and jobs
7 board.

8 1. The fund is separate from the general fund of the state.

9 2. The fund is composed of all of the following:

10 a. Moneys appropriated by the general assembly.

11 b. Fees collected by the board pursuant to section 159B.7,
12 subsection 3.

13 c. The recapture of awards or penalties, or other repayments
14 of moneys originating from the fund.

15 d. Moneys available to and obtained or accepted by the
16 board from the United States government or private sources for
17 placement in the fund pursuant to section 159B.7, subsection 4.

18 3. Moneys in the fund are appropriated to the department
19 exclusively to support the local food, farms, and jobs board
20 in carrying out its mission as provided in section 159B.5 and
21 accomplishing its goals as provided in section 159B.6.

22 4. a. Notwithstanding section 12C.7, interest or earnings
23 on moneys in the local food, farms, and jobs fund shall be
24 credited to the fund.

25 b. Notwithstanding section 8.33, unencumbered and
26 unobligated moneys remaining in the fund at the close of each
27 fiscal year shall not revert but shall remain available in the
28 fund for expenditure for the same purposes.

29 DIVISION II

30 PURCHASING OF LOCAL FARM OR FOOD PRODUCTS

31 BY STATE AGENCIES

32 Sec. 10. Section 8A.311, subsection 14, Code 2009, is
33 amended by adding the following new paragraph:

34 NEW PARAGRAPH. d. The purchasing of local farm or food
35 products in accordance with the requirements of section 8A.318.

1 Sec. 11. NEW SECTION. **8A.318 Procurement — local farm or**
2 **food products.**

3 1. As used in this section, unless the context otherwise
4 requires, "*local farm or food products*" means the same as
5 defined in section 159B.2.

6 2. The department shall establish a program for the purchase
7 of local farm or food products. The preference program shall
8 include but is not limited to all of the following:

9 a. The inclusion of program information in publications used
10 to solicit bids from suppliers.

11 b. A description of the preference program at bidders'
12 conferences.

13 c. Discussion of the preference program in requests for
14 proposals or invitations to bid.

15 d. Efforts to inform industry trade associations about the
16 preference program.

17 3. When purchasing farm or food products, the department
18 shall not purchase a local farm or food product that is more
19 than ten percent greater in price than a farm or food product
20 that the department would purchase absent the preference
21 program.

22 Sec. 12. Section 216B.3, Code Supplement 2009, is amended by
23 adding the following new subsection:

24 NEW SUBSECTION. 18A. Give preference to purchasing local
25 farm or food products in accordance with the requirements of
26 section 8A.318.

27 Sec. 13. NEW SECTION. **260C.19D Purchase of local farm or**
28 **food products.**

29 The board of directors of a merged area shall give preference
30 to purchasing local farm or food products in accordance with
31 the requirements of section 8A.318.

32 Sec. 14. NEW SECTION. **262.25D Purchase of local farm or**
33 **food products.**

34 The state board of regents and institutions under the
35 control of the board shall give preference to purchasing local

1 farm or food products in accordance with the requirements of
2 section 8A.318.

3 Sec. 15. Section 307.21, subsection 2, Code Supplement
4 2009, is amended by adding the following new paragraph:

5 NEW PARAGRAPH. *f.* Give preference to purchasing local farm
6 or food products in accordance with the requirements of section
7 8A.318.

8 Sec. 16. NEW SECTION. **904.312D Purchase of local farm or**
9 **food products.**

10 The department shall give preference to purchasing local
11 farm or food products in accordance with the requirements of
12 section 8A.318.

13 EXPLANATION

14 DIVISION I. This bill provides for the promotion of local
15 food, farms, and food products, which include raw food or
16 processed products originating from raw food, if such raw food
17 is grown by Iowa residents or businesses located wholly within
18 the borders of this state.

19 CREATION OF A BOARD. The bill creates a local food, farms,
20 and jobs board composed of the heads or designees of a number
21 of state agencies, and persons appointed by the governor who
22 are interested or experienced in producing, distributing,
23 selling, or consuming locally grown food or related products.
24 The bill provides procedures for the management of the board
25 and provides for the payment of expenses and compensation.
26 Office and meeting space and research and communication
27 services are to be provided by the department of agriculture
28 and land stewardship.

29 BOARD'S MISSION. The board's mission is to facilitate the
30 growth of an Iowa-based local farm and food product economy
31 that revitalizes rural and urban communities, promotes healthy
32 eating with access to fresh foods, creates jobs, ensures a
33 readily available supply of safe food in an emergency event,
34 and supports economic growth.

35 STATE GOAL. The bill provides that the goal of the state

1 is that by 2020, at least 20 percent of all food and food
2 products purchased by state agencies and at least 10 percent
3 of such purchases made by persons receiving substantial state
4 financing, be local farm or food products.

5 BOARD'S POWERS AND DUTIES. The bill provides for the board's
6 powers and duties, including being able to sue or be sued, make
7 contracts, establish and collect fees, accept moneys, employ an
8 executive director and provide for other staffing, and adopt
9 rules. The board is required to assist state agencies with the
10 purchase of local farm or food products, assist local farm and
11 food entrepreneurs, facilitate the building of infrastructure,
12 support technical assistance programs, coordinate interagency
13 policies to promote local farm and food products, facilitate
14 the elimination of legal barriers hindering the development of
15 a local farm and food economy, facilitate the use of public
16 lands for growing local farm or food products, establish
17 annual goals for purchases of local farm or food products,
18 submit an annual report to the general assembly, develop, in
19 collaboration with the department, a label and certification
20 program, and initiate public awareness campaigns.

21 FUND. The bill creates a local food, farms, and jobs fund
22 in the state treasury under the control of the board. The
23 board may accept moneys for placement in the fund, including
24 fees established in the bill. The moneys in the fund are
25 appropriated to the board to carry out its mission and
26 accomplish the state goals.

27 DIVISION II — PURCHASING LOCAL FARM OR FOOD PRODUCTS BY
28 STATE AGENCIES. The bill requires state agencies to give
29 preference to purchasing local farm or food products. The bill
30 specifically affects governmental entities having procurement
31 authority including the department of administrative services,
32 the department for the blind, community colleges, state board
33 of regents institutions, the department of transportation, and
34 the department of corrections.